EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1850-PWS-E **TCEQ ID:** RN101439438 **CASE NO.:** 34954

RESPONDENT NAME: Cross Country Water Supply Corporation

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	_IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Public water s SMALL BUSINESS:YesX OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other COMMENTS RECEIVED: The Texas R CONTACTS AND MAILING LIST:	No nere are no complaints. There is no record of addition than the ED and the Respondent has expressed an in egister comment period expired on May 19, 2008. No enter: None for: Mr. Tel Croston, Enforcement Division, Enforce	onal pending enforcement actions regarding this terest in this matter. No comments were received. ement Team 2, MC 169, (512) 239-5717; Mr.

certification and include detailed

supporting documentation including

photographs, receipts, and/or other records

to demonstrate compliance with Ordering

' RESPONDENT NAME: Cross Country Water Supply Corporation DOCKET NO.: 2007-1850-PWS-E

VIOLATION SUMMARY CHART: TERONOUS . VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED Made X Type of Investigation: Total Assessed: \$378 **Ordering Provisions:** ___ Complaint Routine **Total Deferred: \$75** The Order will require the Respondent to: Enforcement Follow-up X Expedited Settlement X Records Review a) Within 10 days after the effective date __Financial Inability to Pay of this Agreed Order, begin maintaining Date(s) of Complaints Relating to this water system operating reports and records Case: None SEP Conditional Offset: \$0 including, but not limited to, annual storage and pressure tank inspection Date of Record Review Relating to this Total Paid to General Revenue: \$303 records and completed Customer Service Case: September 25, 2007 Inspection records: Site Compliance History Classification Date of NOE Relating to this Case: __High __Average __Poor October 19, 2007 (NOE) b) Within 25 days after the effective date **Person Compliance History Classification** of this Agreed Order, submit written Background Facts: This was a routine __ High __ Average __ Poor certification and include detailed record review. supporting documentation including Major Source: Yes X No photographs, receipts, and/or other records WATER to demonstrate compliance with Ordering Applicable Penalty Policy: September 2002 Provision a.; Comparison of the Section 1) Failure to provide a well casing 18 inches above the elevation of the finished c) Within 60 days after the effective date floor of the pump room or the natural ground surface with a minimum of one of this Agreed Order: inch above the sealing block or pump motor foundation block. Specifically, the i. Ensure that livestock are not allowed well casing at Plant No. 1 was 14 inches within 150 feet of Well No. 2: and above the concrete sealing block [30 Tex. ADMIN. CODE § 290.41(c)(3)(B)]. ii. Extend the well casing for Well No. 1 to a minimum of 18 inches above the 2) Failure to ensure that livestock in elevation of the natural ground surface. pastures are prohibited within 50 feet of a water supply well. Specifically, at the time of the record review, livestock were d) Within 75 days after the effective date observed within 50 feet of Well No. 2 [30 of this Agreed Order, submit written Tex. Admin. Code § 290.41(c)(1)(D)]. certification and include detailed supporting documentation including 3) Failure to obtain a sanitary control photographs, receipts, and/or other records easement covering land within 150 feet of to demonstrate compliance with Ordering the well. Specifically, at the time of the Provisions c.i. and ii.; record review, it was documented that the system did not have a sanitary control easement for Well No. 2 [30 Tex. ADMIN. e) Within 90 days after the effective date CODE § 290.41(c)(1)(F)]. of this Agreed Order, secure a sanitary control easement covering all land within 4) Failure to keep water system records on 150 feet of Well No. 2 and record the deed file and make them available for at the county courthouse; Commission review. Specifically, at the time of the record review, the following f) Within 105 days after the effective date records were not available: annual storage of this Agreed Order, submit written and pressure tank inspection records and

completed Customer Service Inspections

§ 290.46(f)(2), 290.46(f)(3)(D)(ii) and

records [30 Tex. ADMIN. CODE

290.46(f)(3)(D)(iv)].		Provision e.;
5) Failure to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, pressure plane one has 327 connections, which requires a service pump capacity of 654 gpm. At the time of		g) Within 180 days after the effective date of this Agreed Order, provide two or more service pumps with a total rated capacity of 2.0 gpm per connection; and
the record review, the capacity was 600		h) Within 195 days after the effective date
gpm, an 8% deficiency. Pressure plane		of this Agreed Order, submit written
three has 106 connections, requiring a	A CONTRACTOR OF THE CONTRACTOR	certification and include detailed
capacity of 218 gpm but provides only 200		supporting documentation including
gpm, an 8% deficiency [30 Tex. ADMIN.		photographs, receipts, and/or other records
CODE § 290.45(b)(1)(D)(iii) and Tex.		to demonstrate compliance with Ordering
Health & Safety Code § 341.0315(c)].		Provision g.

Additional ID No(s).: PWS No. 1550059

In the second of the second of

Policy Revision 2 (Septe		nalty	Calculati	ion Work	sheet (P	•	September 19, 2007
TCEQ DATES Assigned PCW	15-Oct-2007 6-Nov-2007	Screenir	ng 6-Nov-200	7 EPA Due			
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Cross Country V RN101439438	/ater Sup	ply Corporation		/Minor Source	Minor	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ L	2007-1850-PWS Public Water Su		Maximum		. of Violations Order Type f. Coordinator EC's Team	1660	2
TOTAL BASE PENAL	TY (Sum of v			ılation Sed Ities)	ction	Subtotal 1	\$360
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain Compliance Histo	ed by multiplying the ry	Total Base	Ę) by the indicated pe 5% Enhancement se of Violation for	Subt	otals 2, 3, & 7	\$18
Culpability	No)% Enhancement		Subtotal 4	\$0
Notes Good Faith Effort Extraordinary Ordinary N/A	to Comply Before NOV			the culpability c Reduction fer	riteria.	Subtotal 5	\$0
Notes Approx. C	The Res	\$226 \$3,500		the Good Faith (9% Enhancement* pped at the Total EB		Subtotal 6	
OTHER FACTORS AS Reduces or enhances the Final Su	JUSTICE M		A Charles An American Co. 1970]	Final Subtotal Adjustment	\$378 \$0
Notes	· · · · · · · · · · · · · · · · · · ·				Final Pa		\$378
STATUTORY LIMIT A	DJUSTMENT					essed Penalty	\$378
DEFERRAL Reduces the Final Assessed Pena				· · · · · · · · · · · · · · · · · · ·	fuction.)	Adjustment	-\$75
PAYABLE PENALTY		Jeterral of	mered for expec	dited settlement.			\$303

Screening Date 6-Nov-2007 Docket No. 2007-1850-PWS-E

PCW

Respondent Cross Country Water Supply Corporation

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

Case ID No. 34954

Reg. Ent. Reference No. RN101439438

Media [Statute] Public Water Supply

omplianco Histor	Compliance History Worksheet y Site Enhancement (Subtotal 2)		
Component		Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0'''	.0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0.0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
22.3.5.	Participation in a voluntary pollution reduction program	No	0%
1 10 10 10 10 10 10 10 10 10 10 10 10 10	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment F	ercentage (Su	ıbtotal 2)
epeat Violator (Sเ	ibtotal 3)	incidia un Cada	iosenic o mág f
N/A	Adjustment F	ercentage (Su	ıbtotal 3) 🗌
ompliance Histor	y Person Classification (Subtotal 7)		
N/	Adjustment F	ercentage (Sเ	ıbtotal 7)
ompliance Histor	y Summary		
Compliance History Notes	The Respondent was issued one Notice of Violation for the same or similar violation in the p	past five years.	
	Total Adjustment Percentage	40.1.1.1	

Screening Date	6-Nov-2007	. Do	ket No. 2007-1850-PWS-E	PCW
	Cross Country Water	Supply Corporation		Policy Revision 2 (September 2002)
Case ID No.				PCW Revision September 19, 2007
Reg. Ent. Reference No.				
Enf. Coordinator	Public Water Supply			-
Violation Number				
Rule Cite(s)		30 Tex. Admin. Co	de § 290.41(c)(3)(B)	
			nove the elevation of the finishe	
Violation Description	sealing block or pur	mp motor foundation be ented that the well cas	e with a minimum of one inch a lock. Specifically, at the time o sing at Plant No. 1 was 14 inch saling block.	f the record
			E	Base Penalty \$1,000
>> Environmental, Property a	ınd Human Health	n Matrix		
Release	Har Major Mode			
OR Actual		Tate Nillion		The state of the s
Potential	l x	5 7 2 3 5 7 5 5	Percent 10	%
				and the second s
>>Programmatic Matrix Falsification	Major Mode	rate Minor		·
2 2.52 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			Percent 0	%
			s of the water supply could be exceed levels that are protective	
			Adjustment	\$900
			Aujustineitt	
				\$100
Violation Events				
Number of Vio	olation Events 1		42 Number of violation	days
	daily	1		
	monthly			**************************************
mark only one	quarterly x		Violation I	Base Penalty \$100
with an x	semiannual			
	annual single event			
One quarter		ed from the date of the e of screening, Novem	e record review, September 25 ber 6, 2007.	2007, to the
Economic Benefit (EB) for th	is violation		Statutory Limit	Test
Estimated	d EB Amount	\$30	Violation Final I	Penalty Total \$105
		This violation Fi	nal Assessed Penalty (adjust	ed for limits) \$105

Notes for DELAYED costs elevation of	Date Required \$(3) 25-Sep-2007 25-Sep-2007 add costs include the a	Final Date 30-Jul-2008	Yrs 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$0 \$0 \$0 \$1 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$28 \$28 \$28 \$1/4 \$1/4 \$1/4 \$1/4 \$1/4 \$1/4 \$1/4 \$1/4	Charles and Charle
Item Cost Item Description No commas or Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampiling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Item Cost No commas or \$500 \$\$500 \$\$The delaye elevation of	\$ 25-Sep-2007	30-Jul-2008	0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$1 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$28 \$28 \$7/4 \$1/4 \$1/4 \$1/4 \$1/4 \$1/4 \$1/4 \$1/4 \$1	\$0 \$0 \$30 \$0 \$0 \$0 \$0 \$0
Item Description No commas or	\$ 25-Sep-2007	30-Jul-2008	0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$1 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$28 n/a n/a n/a n/a	\$0 \$0 \$0 \$30 \$0 \$0 \$0 \$0 \$0
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	25-Sep-2007	30-Jul-2008	0.0 0.0 0.8 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$1 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$28 n/a n/a n/a n/a n/a	\$0 \$0 \$30 \$0 \$0 \$0 \$0 \$0
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	25-Sep-2007	30-Jul-2008	0.0 0.0 0.8 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$1 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$28 n/a n/a n/a n/a n/a	\$0 \$0 \$30 \$0 \$0 \$0 \$0 \$0
Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	25-Sep-2007	30-Jul-2008	0.0 0.0 0.8 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$1 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$28 n/a n/a n/a n/a n/a	\$0 \$0 \$30 \$0 \$0 \$0 \$0 \$0
Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) The delays elevation of	25-Sep-2007	30-Jul-2008	0.0 0.8 0.0 0.0 0.0 0.0 0.0	\$0 \$1 \$0 \$0 \$0 \$0 \$0	\$0 \$28 n/a n/a n/a n/a	\$0 \$30 \$0 \$0 \$0 \$0 \$0
Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) The delaye elevation of	ed costs include the		0.8 0.0 0.0 0.0 0.0 0.0	\$1 \$0 \$0 \$0 \$0 \$0 \$0	\$28 ///// n/a n/a , ' n/a , n/a n/a	\$30 \$0 \$0 \$0 \$0 \$0
Land Record Keeping System Training/Sampiling Remediation/Disposal Permit Costs Other (as needed) The delaye elevation of	ed costs include the		0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) The delaye elevation of			0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	n/a , 'n/a n/a n/a	\$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) The delaye elevation of			0.0	\$0 \$0 \$0	n/a n/a n/a	\$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) The delays elevation of		No. of the control of	0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed) The delays elevation of			0.0	\$ O	n/a	\$0
Other (as needed) The delaye elevation of		Microsophy Section 1				
Notes for DELAYED costs The delaye elevation of		Market of a six of	<u> </u>	3 U	IVa I	<u></u> ≱∪
Avoided Costs Ak	uic iiiiaijeu iioor or t	he pump room or	natural g		lculated from the da	
AVUIDEU GUSIS AN	INUALIZE [1] avoid	ed costs before e	entering	item (except for a	one-time avoided o	costs)
Disposal	7. y y	populación a provinción	0.0	\$0	\$0	\$0
Personnel		Evidence Communication	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		INDUSTRIAL	0.0	\$0	\$0	\$ O
Supplies/equipment			0.0	\$O	\$0	\$0
Financial Assurance [2]			0.0	\$O	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$ 0	\$0	\$0
Other (as needed)			0.0	\$0	\$O	\$ 0
Notes for AVOIDED costs				1970 学 性。2011年 7月10年 年 年 年 年 年 年 年 年 年 年 年 年 年 年 年 年 年 年		

		ening Date		The same and the s	24,000000000000000000000000000000000000	Docket No. 20	07-1850	-PWS-E		PCW
	1.0	Respondent Case ID No.		y Water Supp	oly Corporation				•	vision 2 (September 2002)
Rea		ference No.		R					PCW Re	vision September 19, 2007
1,09.		lia [Statute]								
		Coordinator		,						**************************************
	Viol	ation Number	2		4					
		Rule Cite(s)	7	30	Tex. Admin. 0	Code § 290.41(c)	(1)(D)			90 000 000 000 000 000 000 000 000 000
	Violatio	n Description		ally, at the tin	ne of the record	s are prohibited w d review, it was do 50 feet of Well N	ocumen			
			٠					Base	e Penalty[\$1,000
>> Enviro	nmenta	l, Property a	nd Human	Health Ma	trix	2 1 2	F 27			
		Release	Major	Harm Moderate	Minor					in the constant of the constan
OR		Actual		Medorate						
		Potential		X		Pe	rcent	10%		nanan maran da haran
>>Prograr	nmatic	Matrix		823						
		Falsification	Major	Moderate	Minor	1			•	
111						Pe	rcent	0%		200
	Matrix Notes			oe exposed to		ntaminants could nmount of contam uman health.				
	32.1	4 2747 64		S 2 2	6.9.755	Adiu	ıstment		\$900	90 °
						•		·		¢400
									-	\$100
Violation I	Events				£35.	E 27		12		
		Number of Vic	lation Events	1]	42 Nu	ımber of	f violation day	/s	
		mark only one with an x	daily monthly quarterly semiannual annual single event	X			V	iolation Bas	e Penalty[\$100
		One quar	terly event is r		d from the reco	ord review date, S mber 6, 2007.	Septemb	er 25, 2007,	to the	
Economic	Benefi	t (EB) for thi	is violation			St	atutor	y Limit Te	st	
		Estimated	d EB Amount		\$89]	Violatio	on Final Pen	alty Total	\$105
			'			, Final Assessed			_	\$105
			22 E		i iliə vivialiUli	i iliai A3363360	. renall	y (aujusteu i	or minis)[Ψ100

Reg. Ent. Reference No.	34954 RN101439438				the state of the	in Balansen	35 C 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Public Water S	upply				Percent Interest	Years of Depreciation
X-12-2-12-2-12-2-12-2-12-2-12-2-12-2-12				i n		5.0	1
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs)).	Interest Saved	Onetime Costs	EB Amount
Delayed Costs						All more seen	
Equipment	2014 11 11 1X area	1.0	e Ekvara e n	0.0	\$0.00	\$0	\$0
Buildings	المقامة فالمستحومة		tokan die Steffelijke Dick	0.0	\$0	State 12.80 i.e.	\$0
Other (as needed)	\$1,500	25-Sep-2007	30-Jul-2008	0.8	\$4	\$85	\$89
Engineering/construction				0.0	\$0	\$0	\$0
Land			Laboration and the second	0.0	\$0	n/a	\$0
Record Keeping System	1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.		a see the second of the second	0.0	\$0	.≛ n/a "	\$0
Training/Sampling		<u> </u>		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	Exc. Y	40.00		0.0	\$0	n/a	\$0
Other (as needed)	****		militaria de la composición del composición de la composición de la composición de la composición del composición de la	0.0	\$0	i i i i i n/a i i i i i i	\$0(1)
Notes for DELAYED costs	The delayed co		ary measures (su e of the record rev	ch as fer	icing) to keep live	stock away from the	
, ,	Salarana Aparitas a Arriga	from the dat	e of the record rev	ch as fer lew to th	ncing) to keep live e estimated date	stock away from the	well, calculate
Notes for DELAYED costs	Salarana Aparitas a Arriga	from the dat	e of the record rev	ch as fer lew to th	ncing) to keep live e estimated date	stock away from the of compliance.	well, calculated
Notes for DELAYED costs Avoided Costs Disposal Personnel	Salarana Aparitas a Arriga	from the dat	e of the record rev	ch as fer liew to th intering 0.0 0.0	icing) to keep live to estimated date titem (except for \$0 \$0	stock away from the of compliance. one-time avoided c \$0 \$0	well, calculated
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Salarana Aparitas a Arriga	from the dat	e of the record rev	ch as fer lew to th entering 0.0 0.0	icing) to keep live e estimated date ; item (except for \$0 \$0 \$0	stock away from the of compliance. one-time avoided c \$0 \$0 \$0	well, calculated
Notes for DELAYED costs AVOIDED COSTS DISPOSAI Personnel Inspection/Reporting/Sampling Supplies/equipment	Salarana Aparitas a Arriga	from the dat	e of the record rev	ch as fer view to th entering 0.0 0.0 0.0	incing) to keep live e estimated date :: item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stock away from the of compliance. one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0
AVOIDED COSTS AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Salarana Aparitas a Arriga	from the dat	e of the record rev	ch as fer view to th ontering 0.0 0.0 0.0 0.0	incing) to keep live e estimated date i. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stock away from the of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	well, calculated state of the
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Salarana Aparitas a Arriga	from the dat	e of the record rev	ch as fer view to th ontering 0.0 0.0 0.0 0.0 0.0	icing) to keep live e estimated date i. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	stock away from the of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	well, calculated solutions (a) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	from the dat	e of the record rev	ch as fer view to th mtering 0.0 0.0 0.0 0.0 0.0 0.0	icing) to keep live e estimated date i. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	stock away from the of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	well, calculated state of the
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	from the dat	e of the record rev	ch as fer riew to the street of the street o	icing) to keep live e estimated date i. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	stock away from the of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	well, calculated solutions with the solution well, calculated solutions with the solution

Screening Date	6-Nov-2007 Docket No. 2007-1850-PWS-E	PCW
	Cross Country Water Supply Corporation	Policy Revision 2 (September 2002)
Case ID No		PCW Revision September 19, 2007
Reg. Ent. Reference No		
Enf. Coordinato	Public Water Supply	
Violation Numbe	The state of the s	\$ 7. O.
Rule Cite(s		
	30 Tex. Admin. Sode § 233.41(6)(1)(1)	
Violation Description	Failed to obtain a sanitary control easement covering land within 150 feet of the Specifically, at the time of the record review, it was documented that the system have a sanitary control easement for Well No. 2.	
	Base F	Penalty \$1,000
>> Environmental, Property	and Human Health Matrix	
	Harm	
Release OR Actua		
Potentia		
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 0%	
Matrix Notes Without a s the water s	anitary control easement for the well, contaminants could enter the well and custom upply could be exposed to an insignificant amount of contaminants that would not e levels protective of human health.	ers of kceed
	Adjustment	\$950
		\$50
Violation Events		
Number of V	olation Events 1 42 Number of violation days	and the second s
Number of V	olation Events 1 42 Number of violation days	observed
	daily monthly quarterly Violation Base F	Penalty \$50
mark only one with an x	semiannual annual	enalty \$\psi \psi \psi \psi \psi \psi \psi \psi
	single event x	and the second s
	One single event is recommended.	
Economic Benefit (EB) for the	nis violation Statutory Limit Test	
Estimate	d EB Amount \$16 Violation Final Penalt	y Total \$53
	This violation Final Assessed Penalty (adjusted for	limits) \$53

	Cross Country \	Water Supply Coก	Benefit W			· · · · · · · · · · · · · · · · · · ·	18
Case ID No.						State of the second	
Reg, Ent. Reference No.							
	Public Water Su	upply				Percent Interest	Years of
Violation No.	3						Depreciation
		1.00		4000	Landin	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			H		4.45.15.45	1 - 2 Milyan (1997)
1 4 2 17 17 8 2 2 4 4 17 18 18 18 18 18 18 18 18 18 18 18 18 18				and periody of make a fire	Cartes de la companie	e territoria (Chile Chile Chil	
Delayed Costs			madala	2.40		in the same of	
Equipment		17. 7. 3 pt. 3. 1 c	1.000	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$250	25-Sep-2007	31-Aug-2008	0.9	\$1	\$16	\$16
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	- n/a	\$0
Record Keeping System			manager control to	0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	27 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2						
Permit Costs	35.3		Anthony and the State of the same	0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs	The delayed co	ests include the an		itary cont	\$0 trol easements, ca	n/a	\$0
Other (as needed)	979098	214.5	review to the est	itary cont imated d	\$0 trol easements, ca ate of compliance	n/a	ate of the record
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	214.5	review to the est	itary continuated distribution of the continuated distribution	\$0 trol easements, cate of compliance item (except for a \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 so so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	214.5	review to the est	0.0 itary continuated discriminated discrimi	\$0 trol easements, cate of compliance item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 ate of the record costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	214.5	review to the est	itary continuated distribution of the continuated distribution	\$0 trol easements, cate of compliance item (except for a \$0 \$0 \$0 \$0 \$0 \$0	n/a alculated from the d bone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 so so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	214.5	review to the est	0.0 itary continuated discriminated discrimi	\$0 trol easements, cate of compliance item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 so so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	6-Nov-2007	Docket	No. 2007-1850-PWS-E	PCW
1	Cross Country Water Supp	ly Corporation	Pe	olicy Revision 2 (September 2002)
Case ID No.			P	CW Revision September 19, 2007
Reg. Ent. Reference No.				
	Public Water Supply			
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code	§ 290.46(f)(2), 290.46(f)(3)(D)(ii) and 290.46(f)(3)(D)(iv)	
Violation Description	review. Specifically, at the available: annual store	ne time of the record re	make them available for Commiss view, the following records were n nspection records and completed tion records.	ot
			Base Per	nalty \$1,000
>> Environmental, Property a	and Human Health Mat	rix		en e
	Harm			
OR Release		Minor		,
Potential			Percent 0%	
	<u> </u>	<u></u>	9,70	
>>Programmatic Matrix			* 1	
Falsification	Major Moderate	Minor		
		X	Percent 1%	
Matrix Notes	Failed to me	eet 30% of the rule requ	uirement.	
	5 (1) (2) (3) (3) (4) (5)		Adjustment	\$990
internation				\$10
Violation Events				
				24.44
Number of Vi	olation Events 1	42	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Per	nalty \$10
	One sir	ngle event is recommen	ded.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$8	Violation Final Penalty	Total \$11
		This violation Final As	ssessed Penalty (adjusted for li	mits) \$11
		Troission i mai As	Constant (augusted for in	

Media							
Violation No.	Public Water S 4	apply	WITELDY ST. THE P. L. A. S. T.			Percent Interest	Years of Depreciatio
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description	No commas or \$				14.00		
manary yang siyap keril digan dakta Ma pangan angal mga kapan sayan sayan sayan.			renter of the second control of the second c	CONTROLOPERA	. ALLEGO CONTRACTOR CONTRACTOR	9.0560.4475.0-600000	
Delayed Costs	100 Table 1	(Control of the Control of the Contr			2 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	A CONTRACTOR OF THE CONTRACTOR	46.65
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0
Engineering/construction Land				0.0	\$0 \$0	50 1 / n/a	\$0 \$0
Record Keeping System	\$250	25-Sep-2007	24-May-2008	0.7	\$8	i n/a	\$0 \$8
Training/Sampling	φ200	20-36p-2007	24-iviay-2000	0.0	\$0	n/a	φο \$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs		Control of the contro		0.0	\$0	n/a	\$0
			1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.	0.0			
Other (as needed)				nd malr		n records relating to	
Notes for DELAYED costs	tank inspection	s and Customer Se	ervice Inspections, date	ind mair calculat of comp	itain water system ed from the date llance.	n records relating to a of the record review	annual storage to the estimat
Notes for DELAYED costs Avoided Costs	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp	itain water system ed from the date llance. item (except for	n records relating to a of the record review one-time avoided o	annual storage to the estimate costs)
Notes for DELAYED costs Avoided Costs Disposal	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0	itain water system ed from the date llance. item (except for \$0	n records relating to a of the record review one-time avoided o	annual storage to the estimat costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0 0.0	itain water system led from the date illance. item (except for \$0 \$0	n records relating to a of the record review one-time avoided of \$0 \$0	annual storage to the estimat costs) \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0 0.0	itain water systemed from the date liance. Item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	annual storage to the estimat costs) \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0 0.0 0.0	itain water systemed from the date liance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	n records relating to a of the record review one-time avoided o \$0 \$0 \$0 \$0 \$0	annual storage to the estimat costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0 0.0 0.0 0.0	itain water systemed from the date illance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	or records relating to a of the record review one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	annual storage to the estimat costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0 0.0 0.0	itain water systemed from the date liance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0	n records relating to a of the record review one-time avoided o \$0 \$0 \$0 \$0 \$0	annual storage to the estimat costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0 0.0 0.0 0.0	itain water system ed from the date illance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	or records relating to a of the record review one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	annual storage to the estimat costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	tank inspection	s and Customer Se	ervice Inspections, date	nd mair calculat of comp ntering 0.0 0.0 0.0 0.0	itain water system ed from the date illance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	or records relating to a of the record review one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	annual storage to the estimat costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Screening Date	6-Nov-2007	Docket No	. 2007-1850-PWS-E	PCW
Respondent	Cross Country Water Supply	Corporation	•	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision September 19, 2007
Reg. Ent. Reference No.				
	Public Water Supply			
Enf, Coordinator	<u></u>			
Violation Number	I			
Rule Cite(s)	30 Tex. Admin. Code § 290.4	45(b)(1)(D)(iii) and Tex. H	ealth & Safety Code § 341.0	315(c)
Violation Description	minute ("gpm") per connect which requires a service pun capacity was 600 gpm, a	tion. Specifically, pressure mp capacity of 654 gpm. A m 8% deficiency. Pressure	a total capacity of 2.0 gallons e plane one has 327 connect At the time of the record revie e plane 3 has 106 connectior y 200 gpm, an 8% deficiency	ions, ew the ns,
			Base Pe	enalty \$1,000
>> Environmental, Property a	ınd Human Health Matri	ix A A A L A A L		
Delegee	Harm Major Madarata	Minor		
Release OR Actual		Minor		
Potential		X	Percent 5%	
>>Programmatic Matrix		新 新维		
Falsification	Major Moderate	Minor	www.	
			Percent 0%	
Matrix B	sufficient total service pump ca and be exposed to an insignific prote		· · · · · · · · · · · · · · · · · · ·	
			Adjustment	\$950
The second secon				4.4
				\$50
Violation Events				
Number of Vi	olation Events 2	42	Number of violation days	***************************************
		Line and the second sec	₫ ,	
	daily			
	monthly		Walston Dave D	enalty \$100
mark only one with an x	quarterly		Violation Base P	enaity \$100
	annual			
	single event x			·
				· .
Two single events are recommended, one for each pressure plane.				
Economic Benefit (EB) for this violation Statutory Limit Test				
*		COS	Violetian Final Danel	Total \$105
Estimate	d EB Amount	\$83	Violation Final Penalty	10tai 9105
	T	his violation Final Asse	ssed Penalty (adjusted for	limits) \$105

\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
\$0 \$0	\$0 \$0 \$0 \$0
\$0	\$0 \$0 \$0
	\$0 \$0
	\$0
\$0	
\$0	\$0
ne-time avoided co	No to the late of
capacity to 2.0 gpm mated date of comp	
IIVEI III	. на сифО
n/a n/a	\$0 \$0
n/a	\$0 ***
n/a	\$ 0
n/a	\$0
n/a	\$0
\$0	\$0
\$79	\$83
\$0.xi	\$0
\$0	\$0
	AND THE RESERVE OF THE PERSON
	450 30000
Onetime Costs	EB Amount
5,0	
r Halland er si	Depreciation
Percent Interest	Years of
	British in

State of the state

Compliance History Customer/Respondent/Owner-Operator: CN600650568 Cross Country Water Supply Classification: Corporation **CROSS COUNTRY WSC** Regulated Entity: RN101439438 Classification: ID Number(s): REGISTRATION PUBLIC WATER SYSTEM/SUPPLY **LICENSE** WATER LICENSING Location: 14933 Wortham Bend Road, China Spring, McLennan County, Texas TCEQ Region: Date Compliance History Prepared: November 05, 2007 Agency Decision Requiring Compliance History: Enforcement November 05, 2002 to November 05, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Phone: Tel Croston Name: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? Nο N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A B. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 03/21/2003 (27960)2 05/21/2003 (31323)3 03/14/2007 (540646)4 07/31/2007 (570025)5 10/09/2007 (595668)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 04/06/2007 (540646)Minor Classification: Self Report? 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B) Citation: Description: Failure to provide a well casing eighteen inches above the ground surface. Classification: Minor Self Report? NO 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D) Citation: Failure to insure that pasture livestock is prohibited from within 50 feet of a public Description: drinking supply well. Minor Classification: Self Report? NO 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Citation:

Rating:

1550059

1550059

Site Rating:

Self Report? NO Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Description: Failure to provide adequate service pump capacity.

Failure to provide a sanitary control easement.

30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Failure to provide water system records that needed to be reviewed at the time of the

Classification:

Minor

Minor

Description:

Self Report?

Description:

Citation:

NO

investigation.

Environmental audits. N/A G. Type of environmental management systems (EMSs).

H. Voluntary on-site compliance assessment dates.

F.

Participation in a voluntary pollution reduction program. 1.

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§	BEFORE THE
§	
§	TEXAS COMMISSION ON
§	
§	
§	ENVIRONMENTAL QUALITY
	* * * * * * * * * * * * * * * * * * *

AGREED ORDER DOCKET NO. 2007-1850-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cross Country Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a public water supply at 14933 Wortham Bend Road, in China Spring, McLennan County, Texas (the "Facility") that has approximately 1,018 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 24, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Three Hundred Seventy-Eight Dollars (\$378) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Three Dollars (\$303) of the administrative penalty and Seventy-Five Dollars (\$75) is deferred contingent upon the Respondent's timely and satisfactory

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

- 1. Failed to provide a well casing 18 inches above the elevation of the finished floor of the pump room or the natural ground surface with a minimum of one inch above the sealing block or pump motor foundation block, in violation of 30 Tex. ADMIN. Code § 290.41(c)(3)(B), as documented during a record review conducted on September 25, 2007. Specifically, the well casing at Plant No. 1 was 14 inches above the concrete sealing block.
- 2. Failed to ensure that livestock in pastures are prohibited within 50 feet of a water supply well, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(1)(D), as documented during a record review conducted on September 25, 2007. Specifically, at the time of the record review, livestock were observed within 50 feet of Well No. 2.
- 3. Failed to obtain a sanitary control easement covering land within 150 feet of the well, in violation of 30 Tex. Admin. Code § 290.41(c)(1)(F), as documented during a record review conducted on September 25, 2007. Specifically, at the time of the record review, it was documented that the system did not have a sanitary control easement for Well No. 2.
- 4. Failed to keep water system records on file and make them available for Commission review, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(D(ii) and 290.46(f)(3)(D)(iv), as documented during a record review conducted on September 25, 2007. Specifically, at the time of the record review, the following records were not available: annual storage and pressure tank inspection records and completed Customer Service Inspection records.

and the control of th

and the second of the second o

 $(x_1, x_2, \dots, x_n) \in \mathbb{R}^n \times \mathbb{R}^n$

en de la composition La composition de la

garante de la composition della composition dell

na di santa Canada di santa di s Canada di santa di s

. . .

Control of the second of the se

and the second of the second o

And Andrew Company of the Company of t

the second of the contract of the second of

5. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c), as documented during a record review conducted on September 25, 2007. Specifically, pressure plane one has 327 connections, which requires a service pump capacity of 654 gpm. At the time of the record review, the capacity was 600 gpm, an 8% deficiency. Pressure plane three has 106 connections, requiring a capacity of 218 gpm but provides only 200 gpm, an 8% deficiency

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cross Country Water Supply Corporation, Docket No. 2007-1850-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, begin maintaining water system operating reports and records including, but not limited to, annual storage and pressure tank inspection records and completed Customer Service Inspection records, as required by 30 Tex. ADMIN. CODE § 290.46.
 - b. Within 25 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Ensure that livestock are not allowed within 50 feet of Well No. 2 as required by 30 Tex. ADMIN. CODE § 290.41; and

 $\label{eq:continuous} \mathcal{L}(\mathcal{A}, \mathcal{A}, \mathcal$

- ii. Extend the well casing for Well No. 1 to a minimum of 18 inches above the elevation of the natural ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.c.i. and ii.
- e. Within 90 days after the effective date of this Agreed Order, secure a sanitary control easement covering all land within 150 feet of Well No. 2 and record the deed at the county courthouse, as required by 30 Tex. ADMIN. CODE § 290.41.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.e.
- g. Within 180 days after the effective date of this Agreed Order, provide two or more service pumps with a total rated capacity of 2.0 gallons per minute per connection, as required by 30 Tex. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.g. The certification shall be notarized by a State of Texas and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

A second of the control of the control

en de la composition La composition de la La composition de la

And the property of the second of the second

Cross Country Water Supply Corporation DOCKET NO. 2007-1850-PWS-E Page 5

with a copy to:

Manager, Water Section Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Jole Sallier	5/21/2008
For the Executive Director	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mikal R. Signature

Date
BOARD PRESIDENT

MICHAEL R. PARRISH

Name (Printed or typed)

Authorized Representative of

Cross Country Water Supply Corporation

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV. Paragraph 1 of this Agreed Order.

Commence of the second of the